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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/723,018

11/26/2003

Hugh Harnsberger

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1781

7590

08/22/2006

Brent T. Winder
Jones Waldo Holbrook & McDonough
Suite 1500
170 South Main Street
Salt Lake City, UT 84101

EXAMINER

FILIPCZYK, MARCIN R

ART UNIT

PAPER NUMBER

2163

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/723,018

Applicant(s)

HARNSBERGER ET AL.

Examiner

Marc R. Filipczyk

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/14/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is responsive to Application filed on November 26, 2003 wherein claims 1-15 are submitted for examination.

To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7, 9, 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the term, "the medical data" is indefinite. It is not clear what the metes and bounds of medical data are, whether they include all or part of the data entered and created by tools. Second, the term, "the electronic clinical reference material" is indefinite. It is not clear what the metes and bounds of the material are. Further, it is not clear what is the difference between "medical data" and "electronic clinical reference material".

Claim 12 recites the limitation "electronic medical reference" in the claim. There is insufficient antecedent basis for this limitation in the claim.

As to claims 2-10, they comprise similar subject matter as claim 1 and are therefore rejected on the same merits.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Stefanescu et al (U.S. Publication No. 2003/0013951).

Regarding claims 1, 6 and 9, Stefanescu discloses a method and system for creating a medical reference book on a desired topic, comprising the steps of: (abstract)

entering medical data in an electronic authoring tool (figures 4-7), the electronic authoring tool including: (fig. 4, page 5, par. 50, lines 1-16)

a master outline authoring tool (figures 4-7), whereby the author is able to create a linkage between a diagnosis, an anatomical region, and a pathology; (par. 53, lines 1-6 and par. 56, lines 5-8)

a case authoring tool (figures 4-7), whereby the author is able to enter and edit images and text relating to a particular case; (par. 52, lines 6-12, par. 54, lines 13-23 and par. 56).

a diagnostic authoring tool (figures 4-7), whereby the author is able to create a comprehensive description of the diagnosis; (par. 55, lines 3-5)

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transferring the medical data into a content database; (figs. 8 and 10, page 9, par. 83 and 84)

*(Note 1: limitations **above** teach building and using a medical database system)*

*(Note 2: limitations **below** teach searching and retrieving the desired material from the medical database system)*

selecting the desired topic about which the electronic clinical reference material is to be created; (pages 9, par. 89)

navigating the content database for medical data pertaining to the desired topic; (page 10, par. 92 and 93) and

generating the electronic clinical reference material on a desired topic (page 10, par. 92 and 93).

Regarding claim 2, Stefanescu discloses reviewing the medical data prior to transferring it to the content database (fig. 8, item 824 and par. 92).

Regarding claims 3 and 4, Stefanescu discloses reference book is a printed and or electronic book (par. 93).

(Note: all electronic documents may be in printed)

Regarding claim 5, Stefanescu discloses a GUI (figs. 4-7 and par. 70).

Regarding claim 7, Stefanescu discloses providing imaging protocols (page 11, par. 99).

Regarding claim 8, Stefanescu discloses a continuing education system comprising performance and credits (figs 4 and 16, item 1634, also see *internet*).

Regarding claim 10, Stefanescu discloses database is searchable online (fig. 1 and col. 25).

Regarding claims 11-15, they disclose limitations already addressed and rejected in the rejection above, in addition see fig. 2, items 200-206 of Stefanescu.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents demonstrate the state of art with respect to medical systems.

U.S. Patent No. 6,263,330 of Bessette

U.S. Patent No. 6,757,898 of Ilse et al.

U.S. Patent No. 6,850,944 of MacCall et al.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R. Filipczyk whose telephone number is (571) 272-4019. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF
August 18, 2006


DON WONG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100